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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ALASKA AIRLINES, INC.,) No. C 07-5711 RBL
Plaintiff,) STIPULATION AND AGREED
vs.) ORDER RE CERTAIN
BRADLEY CAREY and CELESTE CAREY;) COUNTERCLAIMS AND THIRD
CAREY TRAVEL, INC., a Washington) PARTY CLAIMS
corporation,)
Defendants, Counterclaimants)
and Third Party Plaintiffs,)
vs.)
KYLE LEVINE; ANN ARDIZZONE; and)
POINTS INTERNATIONAL LTD.,)
Third Party Defendants.)

All parties hereto hereby stipulate as follows:

1. Third Party Defendants Kyle Levine and Ann Ardizzone shall be dismissed from this action without prejudice to Third Party Plaintiffs' right to assert in any later appeal that this Court's July 11, 2008 Order erred in the dismissal of said individuals. Further, the dismissal of said individuals shall be without prejudice to Third Party Plaintiffs' right to move this Court for Leave of Court pursuant to FRCP 15(a) to add them again as parties if discovery reveals additional facts upon which to base a claim against said individuals. Plaintiff reserves the right to oppose any such motion.

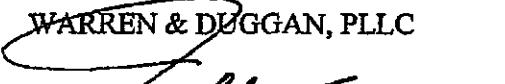
RESPONSE TO POINTS' MOTION
TO DISMISS - 1

WARREN & DUGGAN, P.L.L.C.
401 SECOND AVENUE S., SUITE 600
SEATTLE, WASHINGTON 98104
(206) 343-1888 (206) 343-2200 FAX

1 2. Counterclaimants' Sixth, Seventh, Ninth and Tenth (6, 7, 9 and 10) counterclaims
2 shall be dismissed on the basis that such claims were held by this Court in its July 11, 2008 Order as
3 being preempted by the Federal Airline Deregulation Act, 49 U.S.C. §41713. Said dismissal is
4 without prejudice to Counterclaimants right to assert in any later appeal that the dismissal of said
5 counterclaims was in err.
6

7 DATED this 17th day of September, 2008.

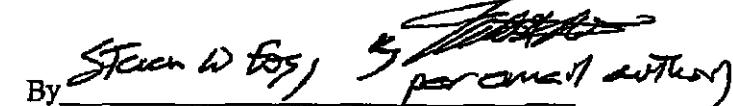
8 WARREN & DUGGAN, PLLC

9 By 

10 Michael J. Warren, WSBA #14177
11 Attorneys for Counterclaimants and
12 Third Party Plaintiffs

13 DATED this 17th day of September, 2008.

14 CORR CRONIN MICHELSON
15 BAUMGARDNER & PREECE

16 By 

17 Steven W. Fogg, WSBA #23528
18 Attorneys for Plaintiffs and
19 Third Party Defendants

20 ORDER

21 BASED UPON THE FOREGOING STIPULATION, this Court Orders as follows:

22 1. Third Party Defendants Kyle Levine and Ann Ardizzone are hereby dismissed from
23 this action without prejudice to Third Party Plaintiffs' right to assert in any later appeal that this
24 Court's July 11, 2008 Order erred in the dismissal of said individuals. Further, the dismissal of said
25 individuals shall be without prejudice to Third Party Plaintiffs' right to move this Court for Leave of
26 Court pursuant to FRCP 15(a) to add them again as parties if discovery reveals additional facts upon

1 which to base a claim against said individuals. Plaintiff shall have the right to oppose any such
2 motion.

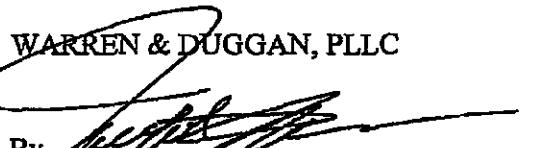
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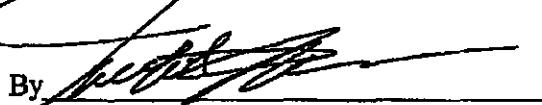
9 **IT IS SO ORDERED.**

10 Dated this 5th day of January, 2009.

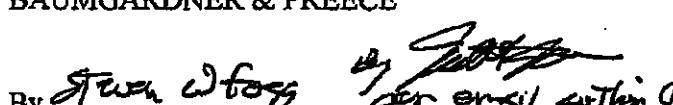
11 
12 RONALD B. LEIGHTON
13 UNITED STATES DISTRICT JUDGE

14 Presented by:

15 
16 WARREN & DUGGAN, PLLC

17 By 
18 Michael J. Warren (WSBA #14177)
19 Attorney for Counterclaimants and
20 Third Party Plaintiffs

21 Approved for Entry:

22 
23 CORR CRONIN MICHELSON
24 BAUMGARDNER & PREECE

25 By 
26 Steven W. Fogg, WSBA #23528
27 Attorneys for Plaintiffs and
28 Third Party Defendants